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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,868	09/11/2003	James Charles Vago	9030M	5208
27752 7590 12/27/2006 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL BUSINESS CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER CARRILLO, BIBI SHARIDAN	
			ART UNIT 1746	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/659,868

Applicant(s)

VAGO ET AL.

Examiner

Sharidan Carrillo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 22-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :7/8/05, 12/19/03, 2/18/04, 9/11/03.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US2003/0084528) in view of Viltro et al. (6648641).

Chan et al. teach an electric toothbrush comprising: a handle having a motor disposed therein, a head having a longitudinal axis, a neck disposed between the handle and the head (abstract), a first bristle holder 36 associated with the head which oscillates or rotates (paragraph 34), a second bristle holder associated with the head which reciprocates in the longitudinal direction of the head, but does not rotate or oscillate (paragraph 34), a first set of bristles (Fig. 2) with the first bristle holder 36, a second set of bristles (Fig. 2) with the second bristle holder 38, a motor connected to the first and second bristle holders (abstract).

Chan et al. fail to teach cleaning an inanimate surface by putting a cleaning solution in contact with the inanimate surface and brushing the cleaning solution on the inanimate surface. Viltro et al. teach a brushing system for dental care in addition to other uses such as cleaning, spot laundry cleaning, auto detailing (col. 1, lines 20-27). In col. 8, lines 25-35, Viltro et al. teach applying a treatment solution comprising a surfactant to the surface and scrubbing with the toothbrush bristles. It would have been obvious to the skilled artisan to have modified the method of Chan to include applying a solution to the surface and scrubbing with the toothbrush since Viltro teaches that the electric toothbrush can be used for other utilities besides dental care, such as spot laundry cleaning, grout cleaning, auto detailing, jewelry cleaning.

Re claim 2, col. 8, lines 50-55 of Viltro teach a solution applied to the toothbrush bristles. Re claim 3, col. 8, line 33 of Viltro. Re claim 4, refer to Fig. 1 of Chan. Re claim 5, refer to paragraph 34 of Chan. Re claims 6-7, Fig. 1 of Chan shows a shaft 34 disposed within neck 34, the shaft connected to the motor 26 and at least one of the first

bristle holder 36 and the second bristle holder 38. Re claim 8, refer to paragraph 35 of Chan. Re claim 9, refer to Fig. 9, element 88 of Chan. Re claims 10-15, refer to Fig. 10, elements 92, 96, 100, 104, 590 of Chan. Re claim 14, refer to Fig. 13, elements 110, 806 of Chan. Re claim 16, refer to paragraph 35 of Chan. Re claims 17-18, refer to Fig. 3, paragraph 42, elements 48, 56, 58 of Chan.

4. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US2003/0084528) in view of Viltro et al. (6648641), as applied to claims 1-18, as described in paragraph 3 above, and further in view of Hortel et al. (6376444).

Chan in view of Viltro teach the invention substantially as claimed with the exception of employing an absorbent stain receiver article to remove the stain from the surface. Chan, as modified by Viltro teaches using the toothbrush for other utilities, such as spot treating laundry applications. Hortel teaches removing stains from garments using an absorbent stain receiver which comprises an absorbent material which lifts and sucks the loosened stain from the material after application of the liquid cleaning composition, col. 2, lines 45-65. It would have been obvious to the skilled artisan to have modified the modified method of Chan to include an absorbent stain receiver, as taught by Hortel, for absorbing and removing the stain from the article being cleaned. Re claim 21, refer to the abstract of Hortel.

5. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (US2003/0084528) in view of Viltro et al. (6648641), as applied to claims 1-18, as described in paragraph 3 above, and further in view of France et al. (US2005/0199265).

It should be noted that claim 20 requires an absorbent stain receiver article, which is not supported by applicant's claimed benefit to priority to Provisional Application 60/409861. Therefore, the effective filing date of claim 20 is 9/11/2003 and therefore the France et al. reference with a priority date of 1/22/2003 is applicable as prior art.

Chan in view of Viltro teach the invention substantially as claimed with the exception of employing an absorbent stain receiver article to remove the stain from the surface. Chan, as modified by Viltro teaches using the toothbrush for other utilities, such as spot treating laundry applications. In paragraph 95, France teaches the stain removal brush and cleaning solution used in combination with an absorbent stain receiver article to remove residual soil and solution remaining on the fabric. It would have been obvious to the skilled artisan to have modified the modified method of Chan to include an absorbent stain receiver, as taught by France, for absorbing and removing residual or excess soil and solution remaining on the article. Re claim 21, refer to paragraphs 67 and 73 of France.

6. In an interview with Ms. Julia Glazer on 12/15/2006, the examiner suggested further restricting claims 20-21. However, upon further consideration, the examiner concluded that although claims 20-21 are restrictable, further examination of claims 20-21 would not impose undue burden. Therefore, the claims examined include 1-18, and 20-21.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fresh teaches a shoe cleaning apparatus. Amit teaches a

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rotating toothbrush. Gockling et al. teach an electric toothbrush. Fran teaches a stain removal brush.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharidan Carrillo whose telephone number is 571-272-1297. The examiner can normally be reached on M-W 6:30-4:00pm, alternating Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sharidan Carrillo
Primary Examiner
Art Unit 1746

bsc



SHARIDAN CARRILLO
PRIMARY EXAMINER